



05/20/05

DACF
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Docket No.: 042390P12647
Express Mail No.: EV 372844265US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Scott Sibbett

Serial No.: 10/024,674

Filed: December 17, 2001

For: **MATERIALS CLASSIFIER, METHOD OF
MAKING, AND METHOD OF USING**

Examiner: Diamond, Alan D.

Art Group: 1753

PETITION TO REVIVE ABANDONED APPLICATION

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests the following Petition to Revive the above-entitled unintentionally abandoned application pursuant to 37 C.F.R. §1.137 be considered. Filed concurrently herewith is a Continuing Application. The Commissioner is hereby authorized to charge all required fees associated with the filing submitted herewith to Deposit Account No. 02-2666.

PETITION TO REVIVE

By this petition, Applicant requests that the above-entitled abandoned application be revived. A Notice of Abandonment was sent on 2/18/2005.

05/24/2005 NNGUYEN1 00000003 10024674

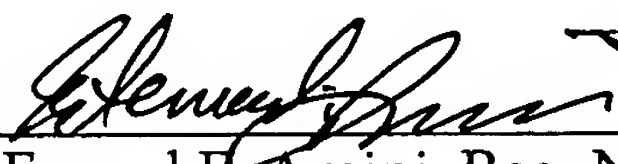
01 FC:1453

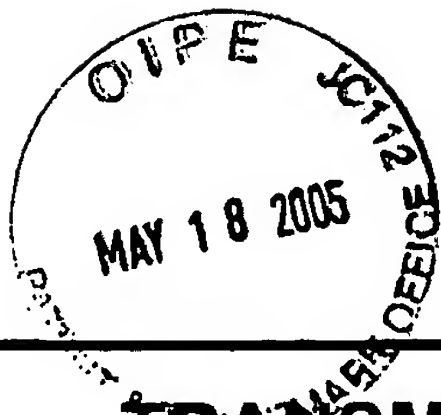
1500.00 OP

The entire delay in filing the required reply, a response to Examiner Diamond's Office Action dated 7/22/2004, from the due date for the reply until the filing of a grantable petition within the statutory time period was unintentional. The 7/22/2004 Office Action was sent in between the time the file was transferred from the Schwegman, Lundberg, Woessner, Kluth law firm and the time that the change of correspondence address and revocation of power of attorney was filed with the Patent Office. A copy of the Office Action was not subsequently received by the current prosecuting attorney. The prosecuting attorney was unaware that an Office Action was outstanding until after the period for reply had expired.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: May 18, 2005

By: 
Farzad E. Amini, Reg. No. 42,261

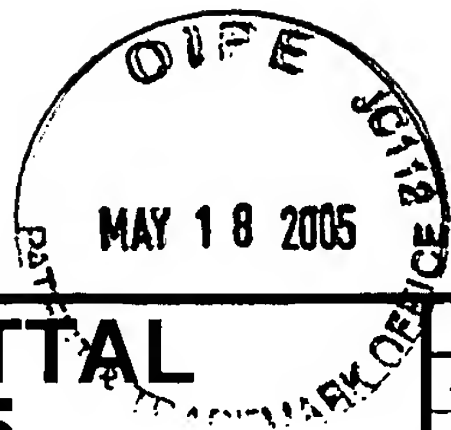


TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	10/024,674
		Filing Date	December 17, 2001
		First Named Inventor	Scott Sibbett
		Art Unit	1753
		Examiner Name	Diamond, Alan D.
Total Number of Pages in This Submission	6	Attorney Docket Number	42390P12647

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Receipt Postcard (Filed Concurrently w/ Continuation Application - P12647C)</div>
Remarks PETITION TO REVIVE ABANDONED APPLICATION		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Farzad E. Amini, Reg. No. 42,261 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 18, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that on the date shown below this correspondence is being transmitted via Express Mail (EV 372844265US) in an Express Mail envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Margaux Rodriguez		
Signature		Date	May 18, 2005



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/024,674
Filing Date	December 17, 2001
First Named Inventor	Scott Sibbett
Examiner Name	Diamond, Alan D.
Art Unit	1753
Attorney Docket No.	42390P12647

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)
1,500.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s)
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

☒ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) <u>Petition to Revive Unintentionally Abandoned Application</u>					1,500.00
SUBTOTAL (2)				(\$)	1,500.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Farzad E. Amini	Registration No. (Attorney/Agent)	42,261	Telephone	(310) 207-3800
Signature		Date	05/18/05		